

MEMORANDUM

DATE: October 31, 2016

SUBJECT: Approval of Six Additional Mine Sites to be added to Navajo Area Uranium Mines pursuant to Paragraph 117(p) of 2011 Tronox Settlement

FROM: Chip Poalinelli, Tronox NAUM Coordinator, Region 9

TO: Clancy Tenley, Assistant Director, Superfund Division, Region 9

THRU: Laurie Williams, Assistant Regional Counsel
Dustin Minor, Branch Chief, Hazardous Waste, Office of Regional Counsel

I. Introduction

This memorandum recommends the addition of six uranium mine sites to the sites designated as the Navajo Area Uranium Mines ("NAUM"), pursuant to the 2011 Tronox Settlement (In re: Tronox Incorporated, et al, Case No. 09-10156 (Bankruptcy, S.D.N.Y))

II. Background

According to the 2011 Tronox Settlement, 20% of the 88% of the proposed Tronox settlement funds allocated to "Navajo Area Uranium Mines" may be spent, pursuant to Para 117(p), on any of the following:

- (1) the **49 mines or mining exploration Sites** identified as "Designated Navajo Area Mines" on Attachment B of the Settlement;
- (2) any **other** uranium mines or uranium mining exploration Sites on Attachment B for which US EPA Region 9 determines that it is the lead region under the terms of the "Memorandum of Agreement Between the Navajo Nation and the U.S. Environmental Protection Agency Regions 6, 8 and 9 Regarding the Implementation of Environmental Standards and Regulations of the Navajo Nation" dated October 9, 1991; and
- (3) any **other** uranium mines or uranium mining exploration Sites on Attachment B that US EPA Region 9, after discussions with Navajo Nation, determines may have an impact on or within the Navajo Nation.

USEPA Region 9 has determined, after discussion with Navajo Nation, that it is appropriate to add 6 sites to list of sites that may be funded by the Tronox Navajo Area Uranium Mines Special Account.

III. The Six Sites Recommended for Addition to the Navajo Area Uranium Mines

The six sites recommended for addition to the list of Navajo Area Uranium Mine sites that may be funded by the Tronox Navajo Area Uranium Mines Special Account include:

- **Brodie 1 (191)***
- **Henry Phillips Mine (286)***
- **Knife Edge Mine (428)***
- **Mesa I 1/2 , West Mesa (288)***
- **Mesa II Pit (287)***
- **Mesa IV West Mine (101)***

*Additional details on the six sites are listed in the attached Table 1.

Each of the six sites appear in Appendix B of the 2011 Settlement (Tronox Other Sites List). It is appropriate to add these sites to the 49 designated sites found in the Navajo Covenant Not To Sue, because the 6 sites fit into the following category of paragraph 117(p) of the 2011 Settlement, which defines the "Navajo Area Uranium Mines," specifically:

"any **other** uranium mines or uranium mining exploration Sites on Attachment B for which US EPA Region 9 determines that it is the lead region under the terms of the "Memorandum of Agreement Between the Navajo Nation and the U.S. Environmental Protection Agency Regions 6, 8 and 9 Regarding the Implementation of Environmental Standards and Regulations of the Navajo Nation" dated October 9, 1991;" (Emphasis added.)

A map showing the approximate location of the six sites is also attached.

IV. Recommendation to Add Six Additional Sites to the NAUM Sites List

As the EPA Region 9 Tronox NAUM Coordinator, I recommend the addition of the six proposed mine sites, for the following reasons: (a) the six mine sites are within the definition of the Navajo Area Uranium Mines in the 2011 Tronox Settlement, paragraph 117(p), based on their being listed on Attachment B of that settlement and based on Region 9 having conducted discussion with the Navajo Nation, (b) during the discussion with the NNEPA, the Executive Director of NNEPA, Dr. Donald Benn concurred that adding these six mine sites is appropriate, and (c) it appears that the funding that is available for the NAUM Sites will be adequate to assess and analyze available options to address the six additional mine sites and any concerns about the total funds available to address the larger group of sites may be considered in the context of prioritization and further discussion with the Navajo Nation, as contemplated by the 2011 Tronox Settlement.

Please contact me if you have any questions regarding this recommendation. If you believe you have sufficient information at this time, please indicate your approval or disapproval on the signature lines provided below.

APPROVED:

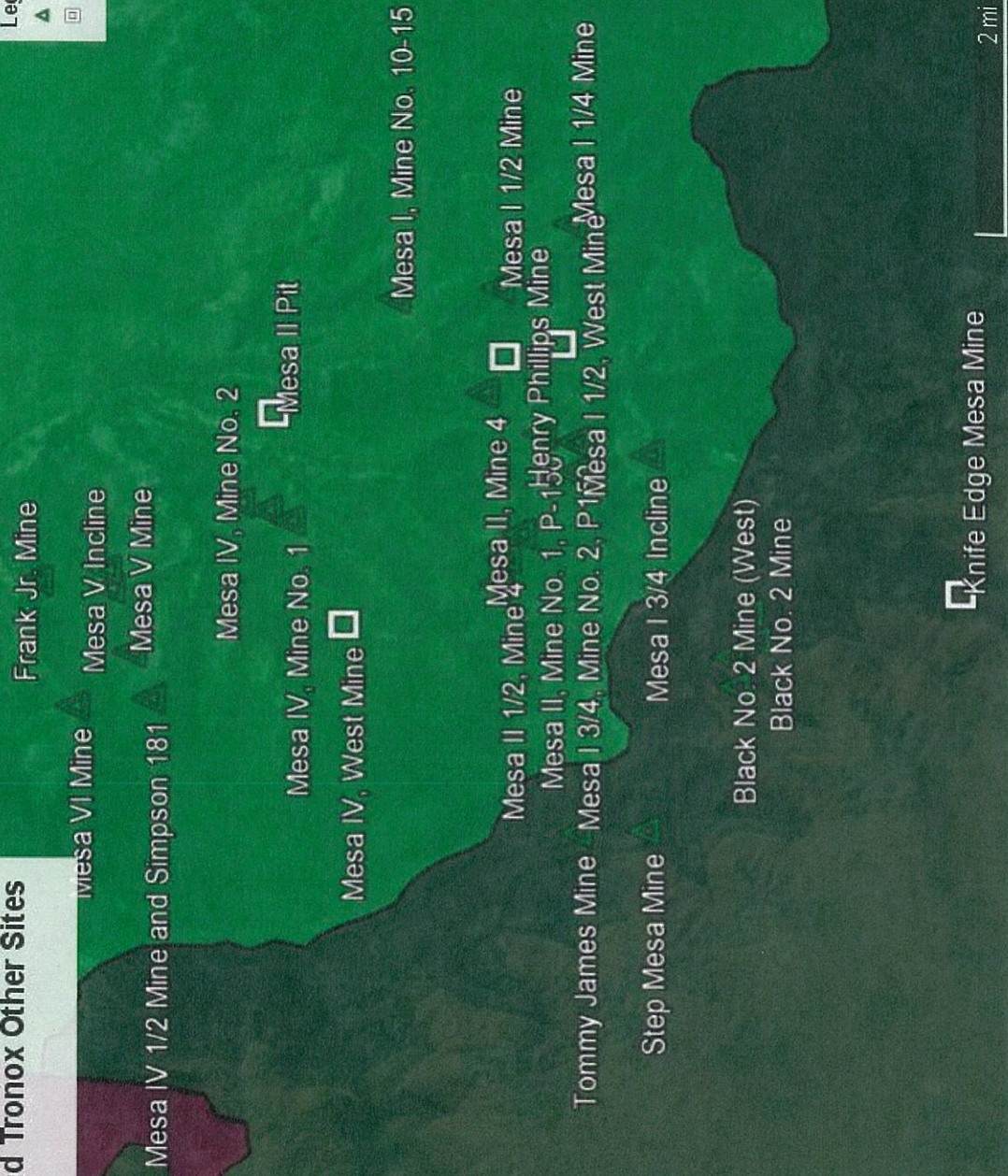
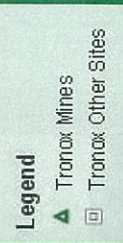
 10/31/2016
Clancy Tenley, Assistant Director, Superfund Division, Region 9 Date

NOT APPROVED:

Clancy Tenley, Assistant Director, Superfund Division, Region 9 Date

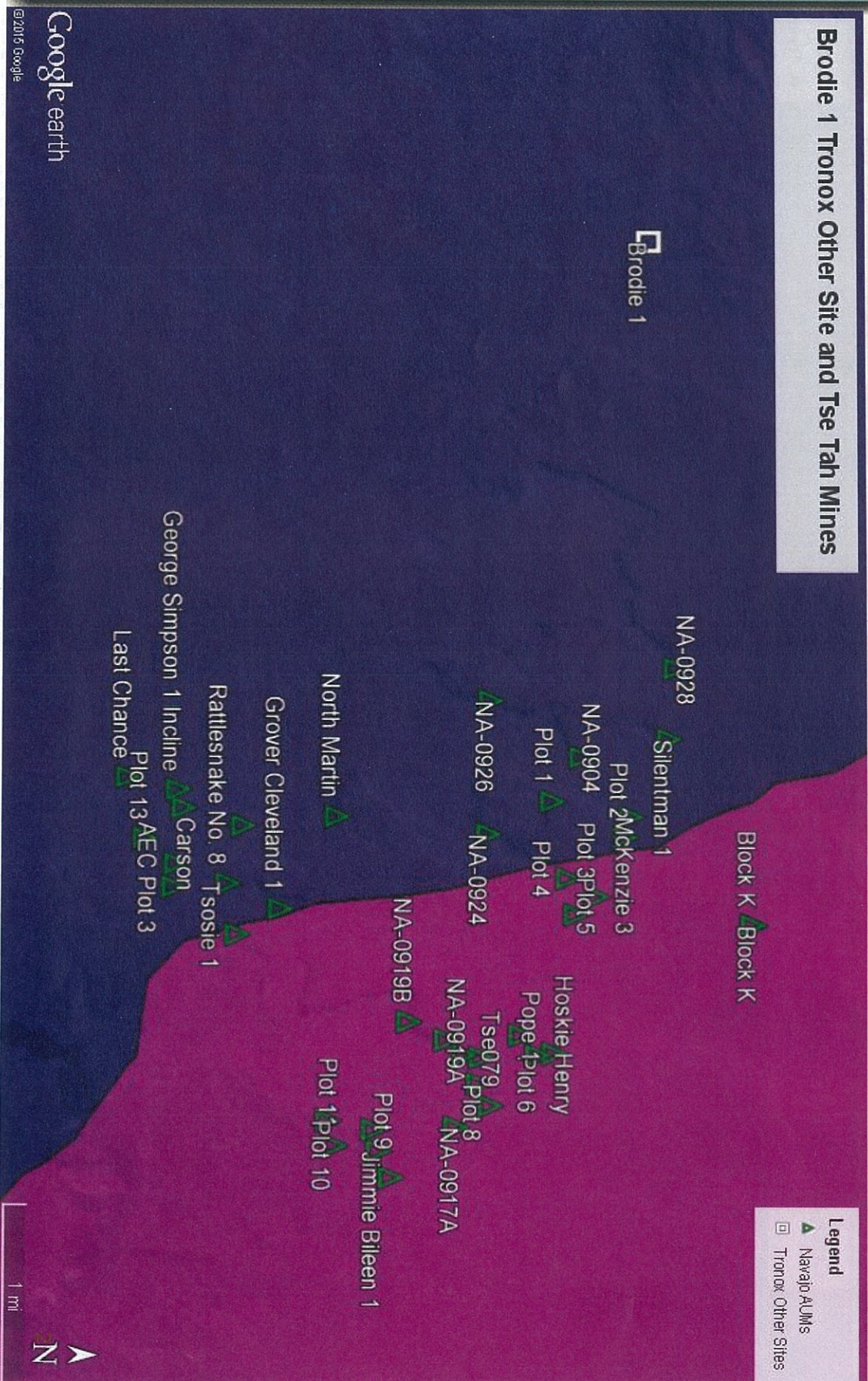
Cove Area - Tronox Other Sites

Cove Area Tronox and Tronox Other Sites



Tse Tah - Tronox Other Sites

Brodie 1 Tronox Other Site and Tse Tah Mines



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